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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 George Jones,

10 Petitioner,

11 v.

12 United States District Court, et al.,

13 Respondents.
14

No. CV-18-02303-PHX-JAS (EJM)

ORDER

15 Pending before the Court is a Report and Recommendation issued by United States
16 Magistrate Judge Markovich that recommends denying Petitioner's habeas petition filed
17 pursuant to 28 U.S.C. §2254.¹ As Petitioner's objections do not undermine the analysis
18 and proper conclusion reached by Magistrate Judge Markovich, Petitioner's objections are
19 rejected and the Report and Recommendation is adopted.

20 The Court has reviewed the record and concludes that Magistrate Judge
21 Markovich's recommendations are not clearly erroneous and they are adopted. *See* 28
22 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739
23 (7th Cir. 1999); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

24 Before Petitioner can appeal this Court's judgment, a certificate of appealability
25 must issue. *See* 28 U.S.C. §2253(c) and Fed. R. App. P. 22(b)(1). The district court that

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27 ¹ The Court reviews de novo the objected-to portions of the Report and Recommendation.
28 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court reviews for clear error the
unobjected-to portions of the Report and Recommendation. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *see also Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

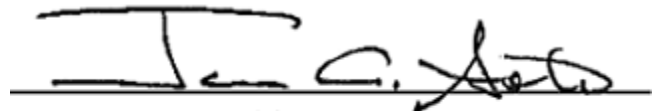
1 rendered a judgment denying the petition made pursuant to 28 U.S.C. §2254 must either
2 issue a certificate of appealability or state why a certificate should not issue. *See id.*
3 Additionally, 28 U.S.C. §2253(c)(2) provides that a certificate may issue "only if the
4 applicant has made a substantial showing of the denial of a constitutional right." In the
5 certificate, the court must indicate which specific issues satisfy this showing. *See* 28 U.S.C.
6 §2253(c)(3). A substantial showing is made when the resolution of an issue of appeal is
7 debatable among reasonable jurists, if courts could resolve the issues differently, or if the
8 issue deserves further proceedings. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).
9 Upon review of the record in light of the standards for granting a certificate of appealability,
10 the Court concludes that a certificate shall not issue as the resolution of the petition is not
11 debatable among reasonable jurists and does not deserve further proceedings.

12 Accordingly, IT IS HEREBY ORDERED as follows:

- 13 (1) The Report and Recommendation (Doc. 31) is accepted and adopted.
14 (2) Petitioner's §2254 habeas petition is denied and this case is dismissed with prejudice.
15 (3) A Certificate of Appealability is denied and shall not issue.
16 (4) The Clerk of the Court shall enter judgment and close the file in this case.

17 Dated this 10th day of November, 2020.

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Honorable James A. Soto
United States District Judge